

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA**

BURCH,

Petitioner,

v.

KERESTES, ET AL.,

Respondents.

Civil Action No. 15-94 Erie

**ORDER ADOPTING THE REPORT AND
RECOMMENDATION**

The Magistrate Judge issued a Report and Recommendation in this matter (Dkt. No. 24), recommending that Respondents' Motion to Dismiss be granted, that each of Petitioner's claims be dismissed with prejudice, and that a certificate of appealability be denied. After reviewing the Report and Recommendation, the record, and all other materials before the Court, and no objection being filed, it is hereby ordered that:

- (1) The Report and Recommendation is ADOPTED;
- (2) Respondents' Motion to Dismiss (Dkt. No. 17) is GRANTED, the Petition for Writ of Habeas Corpus is DISMISSED with PREJUDICE, and a Certificate of Appealability is DENIED; and
- (3) The Clerk of the Court shall send copies of this Order to Petitioner.

IT IS SO ORDERED.

DATED this 15th day of February, 2017.



BARBARA J. ROTHSTEIN
UNITED STATES DISTRICT JUDGE